

BOARD OF DESIGN REVIEW MINUTES

January 29, 2004

CALL TO ORDER: Chairman Mimi Doukas called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Mimi Doukas; Board Members Hal Beighley, Ronald Nardoza, and Stewart Straus. Board Members Cecilia Antonio, Jennifer Shipley, and Jessica Weathers were excused.

Recording Secretary Sheila Martin and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Doukas read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

NEW BUSINESS:

PUBLIC HEARINGS:

Chairman Doukas opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. She asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

I. SW FARMINGTON ROAD IMPROVEMENT PROJECT

A. DR 2003-0148 – TYPE 3 DESIGN REVIEW

B. SDM 2003-0009 – STREET DESIGN MODIFICATION

C. TP 2003-0023 – TREE PLAN III

The applicant proposes street improvements to SW Farmington Road between SW Hocken Avenue and SW Murray Boulevard. Improvements to the SW Farmington Road/SW Murray Boulevard intersection will extend approximately 650 feet north and south on SW Murray Boulevard, improvements to SW Hocken Avenue will extend to the intersection of SW Hocken Avenue and SW Tualatin Valley Highway, and improvements to other intersection streets, including SW Second Street, SW Menlo Drive, SW Rose Lane, SW 139th Avenue, SW 141st Avenue, SW 142nd Avenue, and SW Normandy Place will extend 20 to 250 feet north and south for safe shoulders and realignment with the widened roadway.

Chairman Doukas described the applicable approval criteria for each application and briefly outlined the public hearing process that would be followed.

Observing that this project involves three separate applications, Assistant Planner Jeff Caines presented the Staff Reports and provided a brief explanation of each application. Concluding, he recommended approval of all three applications, including certain revisions to the Conditions of Approval, and offered to respond to questions.

Mr. Straus requested clarification with regard to SW Farmington Road west of SW 170th Avenue, pointing out that some standards utilized by Washington County on SW Farmington Road are not acceptable in the City of Beaverton.

Mr. Caines explained that any development that occurs west of SW Murray Boulevard is within the jurisdiction of Washington County.

APPLICANT:

JIM BRINK, Project Manager for the City of Beaverton, introduced Melody Williams Burns, spokesperson for the Project Advisory Committee; Dan Houf, Ben Austin and Scott Kiler, representing *Harper, Houf, Peterson, Righellis Inc.*; Transportation Engineer Scott Mansur, representing *DKS Associates*; Craig Millikan, representing *TW Environmental*, who provided the noise and air quality analysis; and Jonathan Beaver from *Rossi Associates Landscape*. He provided a short history and discussed the purpose of the project, as well as the Federal funding that would necessary for this project, emphasizing that no funds have been approved at this time. Observing that the public process began in September 2001, he requested approval of the recommended design.

MELODY WILLIAMS BURNS, representing the Project Advisory Committee (PAC) pointed out that in the summer of 2001, Mayor Drake's office sent notification to residents and business owners located in the project area explaining the project and extending an invitation for participation in the process. She discussed the public process with regard to this project, including meetings and open houses, observing that concerns had been expressed by many of these residents and business owners, particularly with regard to the intersection of SW Farmington Road and SW Murray Boulevard and the proposed realignment of SW 141st Avenue and SW 142nd Avenue in order to meet TSP guidelines. Observing that many comments had been submitted with regard to neighborhood livability, loss of long-time homes and mature trees, and traffic issues, specifically the potential increase to traffic flow and accompanying hazards of speed and increased noise, she noted that the TSP calls for the eventual connection and continuation of SW 141st Avenue and SW 142nd Avenue and up to the transit center north of SW Millikan Road. She emphasized that there are no provisions in any state, county, or federal plans to actually make the connection at SW Tualatin Valley Highway, noting that the connection to SW Farmington Road at this time would only create

additional traffic onto what she referred to as a sub-standard street and uncontrolled intersection at the end of SW 142nd Avenue and SW Tualatin Valley Highway. Concluding, she pointed out that the PAC had recommended approval of an interim design that addresses the signal warrant for the area, increases safety for drivers and pedestrians without impeding future connectivity and creating unnecessary hardship and/or loss to long-term residents of the area.

DAN HOUF, representing *Harper, Houf, Peterson*, requested that Mr. Austin provide assistance with the exhibits and discussed the improvement of SW Farmington Road to a five-lane roadway, including various traffic lanes and sidewalks that have been proposed in conjunction with these improvements. He described improvements that would be made to SW Hocken Avenue as well as additional improvements that have been proposed for the various intersections. He presented various options that had been provided and discussed improvements that would be made to utilities, signals, and lighting, including certain mitigations to environmental impacts that would be created by the project. He discussed issues pertaining to street trees, landscaping, sound walls, storm drainage, the sanitary sewer system, water system upgrades, street lighting, sidewalks, lane widths, queuing length, curb radius, utility under grounding.

Mr. Brink observed that the primary issue at this time is that the property acquisition and construction of the project phases are not funded at this time, observing that the necessary funding is estimated to be \$12.2 million and that the earliest available funding is estimated in October 2008. He pointed out that any land use approval would obviously require an extension, emphasizing that the concerns expressed by the property owners with regard to the potential impact of the project can not be completely addressed until the right-of-way acquisition is funded. Concluding, he explained that the private property that must be acquired for this project would be purchased during the right-of-way negotiations, and offered to respond to questions.

Observing that he has personally lost property in the acquisition procedure involved in the NW Cornell Road Project, Mr. Beighley emphasized that any property would be purchased at the true market value. Observing that Metro has some fairly grandiose ideas, he questioned whether Tualatin Valley Fire & Rescue (TVF&R) has reviewed the medians at the intersection of SW Murray Boulevard and SW Farmington Road.

Mr. Brink pointed out that TVF&R had been concerned with Metro's efforts at reducing the radius width at major intersections, noting that this creates problems in emergency situations. He explained that the greatest issue involves certain driveways, particularly the driveway into Farmington Square, adding that this driveway is not safe and would not be approved under current standards.

On question, Mr. Houf confirmed that no street trees are proposed on SW Murray Boulevard south of SW Farmington Road, adding that there could be an opportunity to add street trees on the south side.

At the request of Mr. Beighley, Mr. Austin indicated on the exhibit the location of the Plantation Townhouses in relationship to where the three sound walls would be located.

CRAIG MILLIKAN, representing *TW Environmental*, explained that due to the small amount of frontage available on SW Farmington Road, the Plantation Townhouses qualify for noise reduction walls.

Chairman Doukas pointed out that the Plantation Townhouses are located east of SW Normandy Place, noting that the only access to these homes is on SW Farmington Road. On question, she was advised that there is no potential for access onto SW Normandy Place.

Observing that funding for this project would not be available for at least four years, Mr. Nardozza emphasized that a lot could change during this time.

Mr. Brink agreed that while there is certainly there is certainly the opportunity for the development of adjacent parcels, there is little potential for changes to the road and transportation system. He pointed out that he is primarily concerned with two particular undeveloped parcels of property, adding that this proposal would not be acceptable with the development of these parcels.

Mr. Nardozza expressed his concern with approving a project and the proposed automatic extension under these circumstances.

Mr. Brink noted that while he understands Mr. Nardozza's concern, the original approval involves two years, at which point the applicant would return to request the extension, if necessary.

Mr. Caines explained that one two-year extension is available and involves an administrative process which is not reviewed by the Board, adding that notification would be provided to property owners within the 300 foot buffer zone.

Mr. Brink advised Mr. Straus that in spite of the current lack of funding, the applicant has submitted an application at this time because the project involves a federally-funded and approved project for design, adding that in order to meet eligibility requirements, it is essential to complete the design process, one aspect of which is this land use approval.

Mr. Straus questioned whether the Board of Design Review has the ability to include a Condition of Approval to require a review greater than that described by Mr. Caines.

Senior Planner John Osterberg commented that any consideration of a Condition of Approval must include findings relating to approval criteria determining this requirement, adding that staff would not recommend this action and that the process provided within the Development Code addresses this issue.

Chairman Doukas expressed her opinion that the Board of Design Review is not authorized to revise the land use process provided in the Development Code.

Mr. Osterberg agreed with Chairman Doukas, and pointed out that it is not relevant to speculate with regard to the need for funding and/or the timing for any future extension. He noted that the issue at this time involves whether this public street design is in compliance with applicable criteria and that the Board of Design Review should not be overly concerned with either funding or potential extension issues.

Mr. Straus clarified that his concerns involve possible circumstances that could arise before funding is available and potentially create changes to the project in some way.

Mr. Osterberg assured Mr. Straus that any changes would involve the design review process.

Referring to the criterion involving a time extension, Chairman Doukas pointed out that one requirement is that the delay is not the fault of the applicant and that the other requirement is that there has been no change in circumstances or the applicable regulations or statutes likely to necessitate modification to the decision or Conditions of Approval since the effective date of the decision. She emphasized that if the physical situation has been drastically altered, the issue would be reviewed by the Board, even if the design has been modified.

SCOTT MANSUR, representing *DKS Associates*, discussed the traffic signal phasing proposed on SW 141st Avenue and SW 142nd Avenue, and described what he referred to as a split intersection offset by 700 feet. He indicated the location on the illustration and discussed the operation of the proposed signal poles, adding that a center median would be provided.

Chairman Doukas requested clarification with regard to mitigation requirements for the tree plan with regard to the two to one ratio, specifically whether this means tree for tree or inch for inch.

Mr. Caines explained that while trees within the right-of-way are classified as street trees, those outside the right-of-way, privately owned and on private property are considered community trees, adding that street trees are replaced at a one to one ratio when removed, and pointed out that there is no mitigation standard with regard to community trees.

Referring to private property being dedicated to the public right-of-way, Mr. Straus questioned whether trees in the dedicated area are considered street trees or community trees and whether dedication occurs before or after this designation.

Mr. Osterberg explained that Mr. Straus has just described community trees, observing that street trees are those trees that are specifically planted in the current right-of-way as part of a street improvement project.

PUBLIC TESTIMONY:

RON ZIEBART, on behalf of Farmington Centers, observed that while he neither supports nor opposes the project, he does have some concerns. Noting that the average age of the residents of this combination Assisted Living/Alzheimer's Care Facility is 85 years, he discussed issues involving the facility's exercise yard and viable and safe vehicular access to the property, particularly with regard to emergency vehicles. Concluding, he expressed his opinion that some sort of buffer or sound wall should be provided between the right-of-way and the facility, and offered to respond to questions.

Mr. Straus discussed the facility's agreement to utilize some of the parking spaces of an adjoining apartment complex, pointing out that the residents of this complex could possibly utilize Farmington Center's parking for their overflow parking, which would reduce what should be available for the use of the facility.

Mr. Ziebart advised Mr. Straus that he understands that there is a proposal to create a new parking lot to the south of the apartment building.

Chairman Doukas observed that page PR- 3 illustrates the private improvements to this area, pointing out that there is actually no net loss in available parking.

On question, Mr. Ziebart informed Chairman Doukas that he has no suggestions that would address his concerns with regard to the exercise yard.

Mr. Straus mentioned the safety and sound issues and the lack of a buffer or sound wall, and questioned whether Mr. Ziebart has any proposal that would address this situation.

Observing that he has no solution to what he referred to as a touchy issue, Mr. Ziebart noted that he is concerned with exposure and what this would look like in front of the building. He explained that he would like to retain the ability to provide input and obtain professional assistance in assessing this situation.

Mr. Straus pointed out that there is an opportunity at this time to impose Conditions of Approval that might mitigate these security and safety issues.

Mr. Ziebart reiterated that he has no solutions to his concerns at this time.

Chairman Doukas emphasized that there would be a future opportunity to discuss obtaining the property for this right-of-way.

Chairman Doukas entered into the record the letter from the Plantation Townhouse Association, dated January 29, 2004, signed by Grace Renfroe and LaVerne Landauer.

7:58 p.m. to 8:00 p.m. – recess.

APPLICANT REBUTTAL:

Mr. Brink discussed the issue with regard to a sound wall and observed that Oregon Department of Transportation's (ODOT) guidelines had been utilized, noting that they are more stringent than those imposed by the Federal government. He explained that in order for a sound wall to pass the cost benefit analysis, it is necessary to provide an eight DBA decrease in the noise levels, noting that in addition to providing a buffer, a sound wall would create a barrier, in some locations within four to five feet of the building. Observing that this may not be appropriate, he expressed his opinion that it might be a good idea to consider this option at this time.

Mr. Brink noted that the buffer between the exercise area and the street would be addressed during acquisition and right-of-way negotiations, adding that parking issues had been satisfactorily resolved with John Johansen, the owner of Murray Place Apartments.

Mr. Straus expressed his opinion that some sort of agreement should be provided to indicate where parking is and is not allowed for the various parties involved.

Mr. Brink responded that the parking spaces are numbered, adding that while Farmington Square is only allowed to utilize a certain number of the parking spaces at Murray Place Apartments, additional negotiation may occur at some future point.

Chairman Doukas pointed out that the applicant is committing to a one to one tree removal/replacement while working with Farmington Square and Murray Place Apartments.

Mr. Houf discussed concerns with regard to access to the driveway off of SW Farmington Road, observing that while an aggressive access plan would eliminate many of the driveways, this would be difficult to implement without impacting some of the businesses. He described possible options that would allow emergency vehicle access, observing that the access should probably be reconfigured as the property redevelops. Referring to the letter submitted by the Plantation Townhouses Association, he noted that eight private trees removed in front of the townhouses would be replaced with only three or four street trees due

to street lights and spacing issues involving street trees, adding that other negotiations are also possible.

Chairman Doukas requested clarification with regard to fencing issues.

Mr. Houf pointed out that fencing is very similar to landscaping issues, observing that while the project would pay for fencing, the preference is to submit payment to the owner who will have the ability to provide the type of fencing they prefer.

Chairman Doukas expressed her opinion that a Condition of Approval should be imposed with regard to fencing.

Referring to his concern with approving this project that would not be funded for at least four years, Mr. Nardoza expressed his opinion that there could be some fundamental but unanticipated changes to traffic in the area during that time.

Chairman Doukas pointed out that it would be up to staff to address any changes through the extension process, emphasizing that this would no longer involve a Type II application.

Referring to the Plantation Townhouse Association request for a fence, Mr. Osterberg recommended that a Condition of Approval should simply require the applicant to provide mitigation of whatever situation is created or affected by the proposal, which in this case is the removal of the trees. He expressed his opinion that this mitigation would not necessarily have to involve a fence, noting that several options could be listed within the Condition of Approval.

The public portion of the Public Hearing was closed.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion to **APPROVE** TP 2003-0023 – Farmington Road Improvement Project Tree Plan III, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 22, 2004, including Conditions of Approval Nos. 1 through 6.

Motion **CARRIED** by the following vote:

AYES:	Straus, Beighley, Nardoza, and Doukas.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Antonio, Shipley, and Weathers.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion to **APPROVE** SDM 2003-0009 – Farmington Road Improvement Project Street Design Modification, based upon the testimony, reports and exhibits presented

during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 22, 2004, including Conditions of Approval Nos. 1 through 4.

Motion **CARRIED** by the following vote:

AYES: Straus, Beighley, Nardoza, and Doukas.
NAYS: None.
ABSTAIN: None.
ABSENT: Antonio, Shipley, and Weathers.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion to **APPROVE** DR 2003-0148 – Farmington Road Improvement Project Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 22, 2004, including Conditions of Approval Nos. 1 through 7, and including additional Conditions of Approval, as follows:

8. Street trees shall be added on the east and west sides of SW Murray Boulevard, south of SW Farmington Road according to the standards established by the City of Beaverton.
9. The applicant will complete additional evaluation of sound impact on the property known as Farmington Square prior to issuance of a Site Development Permit, including the design of any walls or fences proposed, which shall be submitted as a Type II application.
10. The applicant shall install appropriate mitigation for removed screening at the Plantation Townhouses, which may include walls, fences, or landscaping, as agreed upon with the Homeowner's Association, to be submitted for a Type II review.

Mr. Beighley made a friendly amendment to the main motion for the deletion of Condition of Approval No. 7.

Mr. Straus expressed concern with allowing light fixtures that do not match appropriately or conform to standards established by the City of Beaverton, emphasizing that he would like Condition of Approval No. 7 to remain intact.

Motion as originally stated, **CARRIED** by the following vote:

AYES: Straus, Beighley, Nardoza, and Doukas.
NAYS: None.
ABSTAIN: None.
ABSENT: Antonio, Shipley, and Weathers.

APPROVAL OF MINUTES

The minutes of November 6, 2003, as written, were submitted. Chairman Doukas asked if there were any changes or corrections. Mr. Straus **MOVED** and Mr. Nardoza **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Mr. Beighley, who abstained from voting.

The minutes of November 20, 2003, as written, were submitted. Chairman Doukas asked if there were any changes or corrections. Mr. Nardoza **MOVED** and Chairman Doukas **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Mr. Beighley and Mr. Straus, who abstained from voting.

ELECTION OF OFFICERS:

Vice-Chairman Straus entertained nominations for the positions of Chairman and Vice-Chairman for the year 2004.

Mr. Beighley **NOMINATED** Ms. Doukas for the position of Chairman for the year 2004 and moved that nominations be closed.

Mr. Straus **SECONDED** both the nomination and the motion to close nominations.

Motion that Ms. Doukas serve in the capacity of Chairman for the year 2004 **CARRIED** unanimously.

Mr. Straus **NOMINATED** Mr. Beighley for the position of Vice-Chairman for the year 2004 and moved that nominations be closed.

Mr. Nardoza **SECONDED** both the nomination and the motion to close nominations.

Motion that Mr. Beighley serve in the capacity of Vice-Chairman for the year 2004 **CARRIED** unanimously.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 8:43 p.m.